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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/606,113 Confirmation No. : 3703
First Named Inventor : James Joseph FISHER
Filed : June 26, 2003
TC/A.U. : 2821
Examiner : Minh D. A

Docket No. : 038819.52556US
Customer No. : 23911

Title : An Antenna

**REQUEST FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT IN NOTICE OF ALLOWANCE UNDER 37 C.F.R. § 1.705(b)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.705(b), Applicant respectfully requests that the Office reconsider the patent term adjustment set forth in the Notice of Allowance dated May 18, 2006 in the instant application. In support of this request, Applicant notes the following:

1. A non-final Office Action was issued in this application on March 9, 2005.
2. Applicant filed a Reply to the aforementioned Office Action on July 11, 2005, together with a petition for a one-month extension of time and a Supplemental Information Disclosure Statement. A copy of the postcard with the Office's date-stamp indicating the date of receipt of these documents is attached hereto.
06/13/2006 MBEYENE2 00000002 10606113
01 FC:1455 200.00 OP
3. On January 11, 2006, Applicant filed a Status Request and attached courtesy copies of the Reply and the Supplemental Information

Disclosure Statement previously submitted on July 11, 2005, along with a copy of the corresponding date-stamped postcard.

The Office's image file wrapper properly reflects that an Information Disclosure Statement was filed on July 11, 2005, but does not indicate that the Reply to the March 9, 2005 Office Action was also filed on that date. Instead, the courtesy copy of the Reply submitted with the Status Request filed on January 11, 2006 was entered into the image file wrapper and treated as though January 11, 2006 was the original filing date of the Reply. A copy of the image file wrapper contents is attached hereto for reference.

The erroneous attribution of the January 11, 2006 filing date to the July 11, 2005 Reply therefore triggered the incorrect calculation of the patent term adjustment indicated in the Notice of Allowance. Accordingly, Applicant respectfully submits that, taking into account the correct filing date (July 11, 2005) of the Reply to the March 9, 2005 Office Action, the patent term adjustment in the Notice of Allowance should be 122 days. This is based on correcting the calculation of Applicant's delay in responding to the March 9, 2005 Office Action to 32 days, and correcting the calculation of the USPTO's delay in mailing the Notice of Allowance responsive thereto to 188 days beyond the four-month stipulation set forth in 37 C.F.R. §§ 1.702(a)(2) and 1.703(a)(2). Furthermore, this application is not subject to a terminal disclaimer.

Pursuant to 37 C.F.R. § 1.705(b)(2)(iv)(A), Applicant submits that the revised 122-day patent term adjustment properly takes into consideration

Applicant's "failure to engage in reasonable efforts to conclude processing" of the application as set forth in 37 C.F.R. § 1.704(b), specifically Applicant's 34-day delay in responding to the August 9, 2004 Office Action, and Applicant's 32-day delay in responding to the March 9, 2005 Office Action.

Based on the foregoing, Applicant respectfully requests that the Office reconsider the patent term adjustment indicated in the Notice of Allowance dated May 18, 2006.

If there are any questions regarding this request or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Credit Card Payment Form PTO-2038 is attached hereto for payment of the required fee of \$200.00 set forth in 37 C.F.R. § 1.18(e). Please credit any overpayments or charge any additional fees to the Deposit Account of Crowell & Moring LLP, Account Number 05-1323 (Docket # 038819.52556US).

Respectfully submitted,

June 9, 2006



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GRE/ajf



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Crowell & Moring LLP

Today's Date: July 11, 2005

Attorney Docket: 038819.52556US
First Named Inventor: James Joseph FISHER
Serial No.: 10/606,113
Filing Date: June 26, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

Eee Transmittal with check no. 286554 in the amount of \$180.00 (IDS.FEE)
 Reply
 One (1) month Petition for Extension of Time with check no. 286543 in the amount of \$120
 Supplemental Information Disclosure Statement, PTO-1449 with 1 non-US reference

GRE:kms

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DUE DATE: July 9, 2005



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Search results as of: 06-08-2006::16:14:48 E.T.

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click StartDownload.

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